

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066



Building | Planning | Zoning
Telephone: 651.385.3104
Fax: 651.385.3106

Environmental Health | Land Surveying | GIS
Telephone: 651.385.3223
Fax: 651.385.3098

To: Board of Adjustment
From: Land Use Management
Report Date: December 9, 2016
Meeting Date: December 19, 2016

Application Information:

Applicant: Michael Huneke
Address of Zoning request: 39675 230th Ave.
Zoning district: A1
Township Information: Belvidere Township has signed the application without comment.

Attachments:

Applicant Statement
Goodhue County Zoning Ordinance: Article 21 Agricultural Protection District, Section 5 General District Regulations, Subdivision 2.1 Density
Neighbors comments
Site Map

NOTICE of PUBLIC HEARING: Michael Huneke - Variance request from the A1 Agricultural District, General District Regulations, Density Requirement, which limits each Section to 4 dwellings (currently there are 4 dwellings); to build a residence at 26.033.0500 the W 1/2 of the SE 1/4 and the NE 1/4 of the SW 1/4 of section 33 in Belvidere Township.

Background: The purpose of this variance is to construct a dwelling on parcel 26.033.0500 in the A1 District. Parcels under Article 21 A-1 Agricultural Protection District, Section 5 General District Regulations, Subdivision 2.1 Density are allowed Four (4) single family dwellings per section unless otherwise defined. The Applicant has requested to construct a dwelling in Section 33 of Belvidere Township that currently has 4 dwellings. There are no exceptions that apply.

The Board of Adjustment and the Planning Advisory Committee met on November 21st to discuss density variances. A subcommittee was established to research and decide of any changes need to be made to the density requirement of the A1 and A2 districts.

Findings of Fact:

Before any such variance may be granted, the Board of Adjustment shall specify in their findings, the facts in each case. Variances shall only be permitted when:

- 1) They are in harmony with the general purposes and intent of the official control;
The intent and general purpose of the A1 District is to maintain, conserve and enhance agricultural lands which are historically valuable for crop protection, pasture land, and natural habitat for plant and animal life. This District is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

Section 5, General District Regulations: Any lot in the A1, Agricultural Protection District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

Subdivision 2.1: Four (4) single family dwellings per section; unless additional dwellings are permitted by Sections 2 and 3 of this Article.

A decision by the Board of Adjustment to allow the construction of a dwelling on the Applicant's property will impact agricultural land use due to the length of the driveway and the greater amount of dwellings in the section than the District allows for each section.

The intent of the A-1 District is to maintain, conserve and enhance agricultural lands. The additional dwelling would prohibit the enhancement of agricultural lands due to the increased number of residences and subsequent setbacks in the section.

- 2) The variances are consistent with the comprehensive plan;
The 2016 Comprehensive Plan speaks to this variance in the Housing and Agricultural Elements.

ELEMENT 3: Housing

Objective #1: "Direct the location of new or replacement dwelling sites in areas that minimize loss or conversion of prime agriculture soils."

Approval of the Applicant's request for a variance to construct a home on the site in question would not "direct the location of a new dwelling sites to an areas that will minimize loss" of Ag land because this land is viable for agricultural use and is abutting and nearby properties.

The primary use of this area is agricultural. Placing a dwelling on the Applicant's property may be detrimental to the surrounding parcels and neighborhood. If the Board allowed the construction of a dwelling on the Applicant's property, tillable prime agricultural land would be removed because most of the soils are considered prime agriculture soils.

Objective #12: "Provide opportunities for smaller communities to thrive through more compact land development practices, diversity of business land uses, mixed use development and pedestrian orientated design."

Approval of the variance would not "provide opportunities for smaller communities to thrive through more compact land development practices." The Township currently has a scattered pattern of residential dwelling, not a compact pattern.

Objective #13: "Provide more housing choices for rural residents"

Approval of the variance would "provide more housing choices".

ELEMENT 1: Agriculture

Plant Agriculture Objective #4: "If residential development occurs, it should be compact and designed to preserve the prime farmland for agricultural uses or other compatible uses to minimize conflicts between agricultural and non-agricultural uses."

Approval of the Variance would be inconsistent with Objective #4, by contributing to "conflicts between agricultural and non-agricultural uses" and prohibiting the preservation of prime farmland.

- 3) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner, not permitted by an official control. Economic considerations alone do not constitute practical difficulties.

The intent of the A1 District is to maintain, conserve and enhance agricultural lands which are historically valuable for crop protection, pasture land, and natural habitat for plant and animal life. This District is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

The practical use of the property is for agricultural cultivation or pasture land. A significant portion of the land can be used as natural habitat for plant and animal life. The Applicant is able to use the property for most of the A1 permitted uses, and those uses would not impact the neighbors.

- 4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
The Applicant's property is not unique to the surrounding area.
- 5) The variance, if granted, will not alter the essential character of the locality.
The surrounding neighborhood's character would change. By adding more rural residential uses in this area, it may conflict with the current primarily crop agricultural use.

- 6) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
Single family dwellings are allowed within the A1 Zone.
- 7) The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
If the variance is approved, the Board of Adjustment may impose conditions.

The following should be edited to reflect any concerns raised at the December 19, 2016 BOA meeting and public hearing:

Staff Recommendation:

Staff recommends the Board of Adjustment adopt the staff report into the record (dated December 9, 2016); adopt the findings of fact; and based on the application, testimony, exhibits, and other evidence presented and:

DENY the variance request to build a residence at 26.033.0500 (W ½ of the SE ¼ and the NE ¼ of the SW ¼ of section 33 in Belvidere Township), in accordance with the A1 Agricultural District, General District Regulations, Density Requirement, which currently limits each Section to 4 dwellings.

Variance

Application for Variance	
VARIANCE NUMBER: For Staff Use only	
\$350 RECEIPT#	15634
DATE	11/17/16

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: John and Ellen Huneke	
PROPERTY OWNER'S ADDRESS: 39675 230TH AVE Goodhue MN 55027	TELEPHONE: (651) 923-4222
	EMAIL: becalf@sleepyeyetel.net

APPLICANT OR AUTHORIZED AGENT'S NAME: Michael Huneke Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: 39675 230TH AVE Goodhue MN 55027	TELEPHONE: (651) 921-9692
	EMAIL: huneke.mike@yahoo.com

CONTACT FOR PROJECT INFORMATION: Michael Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: ()
	EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT: XXX County 16 BLVD, Goodhue MN 55027	ZIP CODE: 55027
LEGAL DESCRIPTION:	Attached <input type="checkbox"/>

IF YOU ARE NOT SURE OF THE EVENTUAL SIZE OF THE FINAL PROJECT, PROVIDE THE MAXIMUM ESTIMATES			
PID#: 260330500	ZONING DISTRICT:	LOT AREA (SQ FT): 120 Ac./Sec.	STRUCTURE DIMENSIONS (if applicable): 1,800 sq. ft.
(Please check all that apply)		PRESENT OR PREVIOUS USE: None/Woodland	
ADDITIONS TO BUILDING:		PROPOSED USE: Single Family Home	
<input checked="" type="checkbox"/> New Building on vacant land	<input type="checkbox"/> Rear	BUILDING APPLICATION PERMIT NO. (if filed)	
<input type="checkbox"/> New Addition to existing building	<input type="checkbox"/> Front	DATE FILED:	
<input type="checkbox"/> Animal Building	<input type="checkbox"/> Side		
<input type="checkbox"/> Storage building	<input type="checkbox"/> Other Please clarify		

TOWNSHIP: By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the variance request. Attached <input type="checkbox"/>		
TOWNSHIP OFFICIAL'S PRINTED NAME AND TITLE: Patricia Stemmann-Clerk	TOWNSHIP OFFICIAL'S SIGNATURE: Patricia Stemmann	DATE: 11-17-16

3. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. If I am unable to be present at the meeting where my request is decided, I agree to accept the Notice of Decision by certified USPS.
4. Other information or applications may be required.

Signature: Michael Huneke Date: 17 NOV 2016
 Print name: Michael Huneke owner or authorized agent (circle one)

Project Summary (Attach a separate sheet if more space is needed)

Please state which section(s) of the Ordinance from which you are requesting a variance.

Applying for a variance to allow additional dwelling in section zoned
A1.

Variance Findings

Pursuant to Goodhue County Zoning Ordinance Article 5, before approving a variance application, the Board of Adjustment needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding. The Board of Adjustment may grant a variance only if the variance request complies with each and every one of these findings in full. The responsibility for completing the variance questionnaire rests solely with the applicant. If the description of how the project meets all of the criteria are not fully supported with written information and appropriate drawings or pictures, the Board may find the information insufficient and the criteria are not satisfied.

Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. What are the special circumstances of the proposal site which distinguish it from nearby properties with the same zoning? (relating to size, shape, topography, location, surroundings and features of the subject property).

The land where the house would be built is unable to be used in agricultural operations. It is woodland that has never been used for cropland. Building in the woodlands would take no land out of agricultural production.

Additionally, two of the three dwellings in this section are literally feet apart.

2. Who or What created the circumstances?

Poor soil quality for crops, poor topography for farming.

3. What is the character of the area (ie- rural, residential, agricultural, commercial, etc.) and how is the request consistent with this character?

It is a rural area and a single home will not take away from that character.

4. Describe how the rules in the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning district.

Because of two dwellings placed in the section several years ago that are built right next to each other, we are unable to build without a variance.

5. Indicate why the requested variance will not result in your receiving any special privileges that are denied by the zoning ordinance to others in the same zoning district.

This proposed variance is of a special nature because a dwelling will not affect agricultural production.

6. Is the proposed variance the minimum amount necessary to allow a reasonable use of the property? Please, explain.

The proposed variance will not affect the intended agricultural use of the property in any way, as we would only purchase the 20 acre woodland.

7. Is the sole reason for the proposed variance based on a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship? Please explain.

The proposed variance is not for any financial purposes. We would just like to build a home and think it would be a nice spot. It is getting difficult to find homes in the country and we would like to keep our kids in the Goodhue school district.

TOWNSHIP ZONING APPLICATION

TOWNSHIP NAME Belvidere

Goodhue County

Parcel # _____

APPLICANT INFORMATION

Last Name Huneke First Michael M.I. J
 Street Address 39675 230TH AVE Phone 923-4222
 City Goodhue State MN ZIP 55027
 Email Address huneke.mike@yahoo.com
 Township 111 Range ~~111~~ 14 Section 33

PROJECT INFORMATION

Site Address xxx County 16 BLVD,
 Zoning District _____ Lot Size 120/5 acres Structure Dimensions 1800 sq ft.
 Type of Project homestead Proposed Use single family home
 Structure Type trailer home Replacement? YES NO
 Variance # _____ Conditional Use Permit # _____

GPS Coordinates

DISCLAIMER AND SIGNATURE

I hereby apply for a zoning permit and I acknowledge that the information above is complete and accurate, that the work will be in conformance with the ordinances and codes of Goodhue County. The applicant also understands by signing this application he / she could be held responsible as representative of this project for any violation of compliance with all applicable laws and ordinances of Goodhue County. This permit may be suspended or revoked if the permit has been issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation of Goodhue County. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not

Signature [Signature] Date 2016/11/14

TOWNSHIP APPROVALS

I hereby certify that the above described project has been approved by the Township Board, and the structure and use will meet all Township Codes and Ordinances if constructed as indicated.

Signature [Signature] Title Clerk Date 11-13-16

Signature _____ Title _____ Date _____

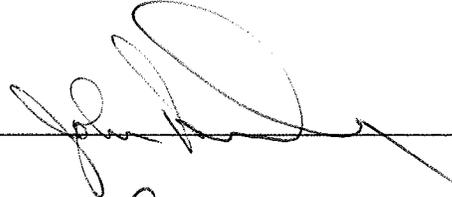
Application fee _____

Receipt Number _____

Date: 7 October 2016

I understand that Michael Huneke is applying for a variance in order to build a home on our property with a Tax Parcel ID number of 260330500. We support this application, and if approved, will allow him to build a home on this property. A dwelling on this property would not affect our agricultural operations in any way, and specifically, would not take any land out of its intended agricultural use.

John Huneke, Primary Tax Payer



Ellen Huneke, Secondary Tax Payer



I understand that Michael Huneke is applying for a variance in order to build a home on the property with a Tax Parcel ID number of 260330500 owned by John and Ellen Huneke. As someone owning a property in the shared section of this land, I have no objections to this application or its approval.

Marcella Befort, Primary Tax Payer for Property 260330400

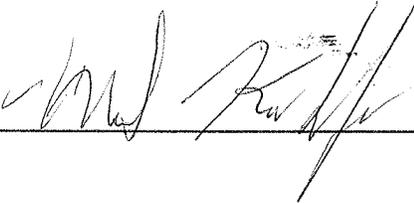
Signed Marcella Befort

Date: 11/12/16.

I understand that Michael Huneke is applying for a variance in order to build a home on the property with a Tax Parcel ID number of 260330500 owned by John and Ellen Huneke. As someone owning a property in the shared section of this land, I have no objections to this application or its approval.

Representative for Circle K Family Farms, Primary Tax Payer for Property 260330300

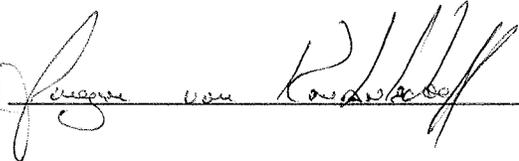
Name: mike Kohler for Circle K Family Farms

Signed 

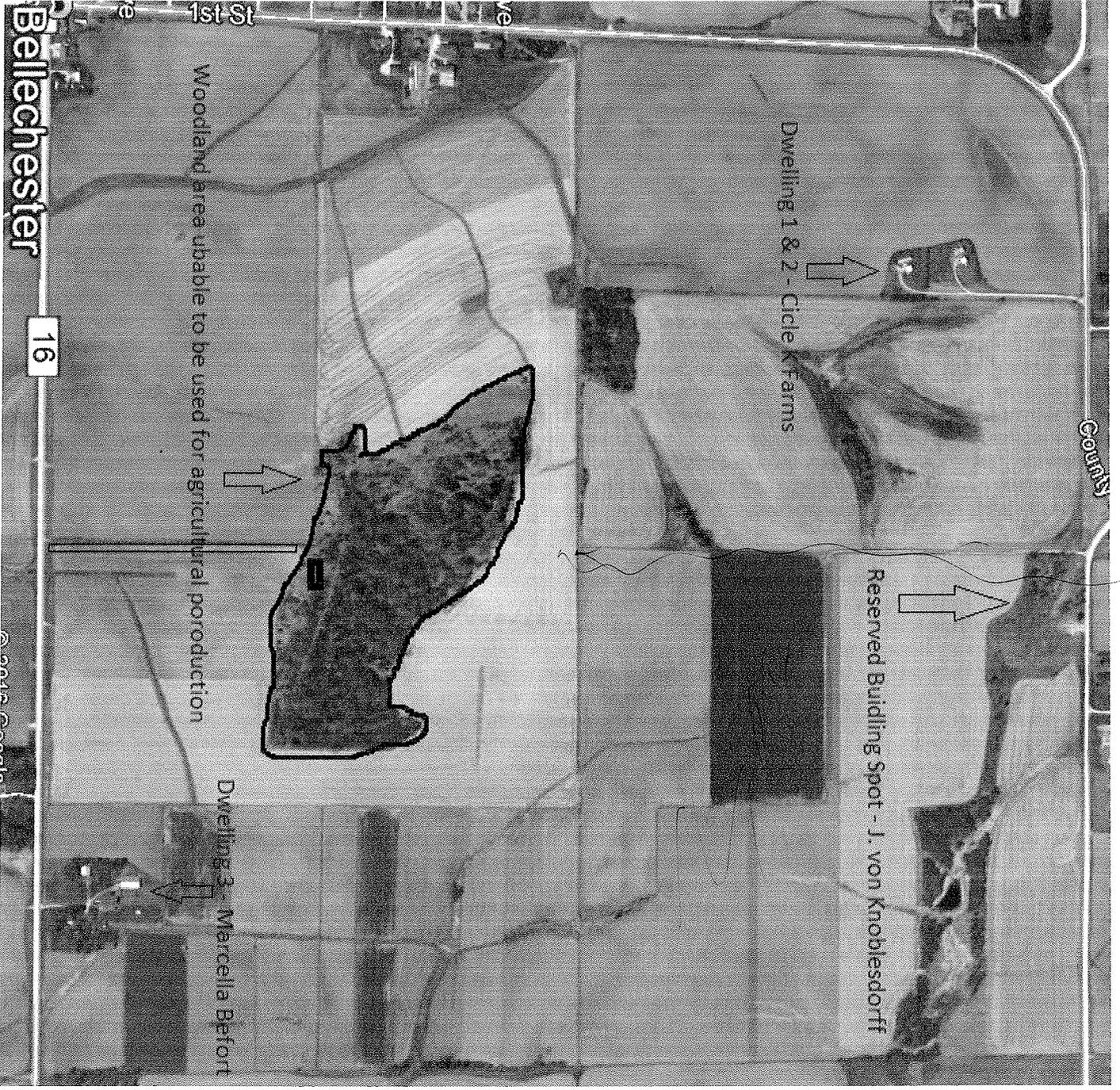
Date: 11-12-2016 Please Remember this is agriculture land in the area and activities regards to agriculture.

I understand that Michael Huneke is applying for a variance in order to build a home on the property with a Tax Parcel ID number of 260330500 owned by John and Ellen Huneke. As someone owning a property in the shared section of this land, I have no objections to this application or its approval.

Juergen von Knoblesdorff-Brenkenhoff, Primary Tax Payer for Property 260330100

Signed  _____.

Date: 11.7.2016



Dwelling 1 & 2 - Cicle K Farms

Reserved Building Spot - J. von Knoblesdorff

Woodland area usable to be used for agricultural poroduction

Dwelling 3 - Marcela Befort

Bellechester

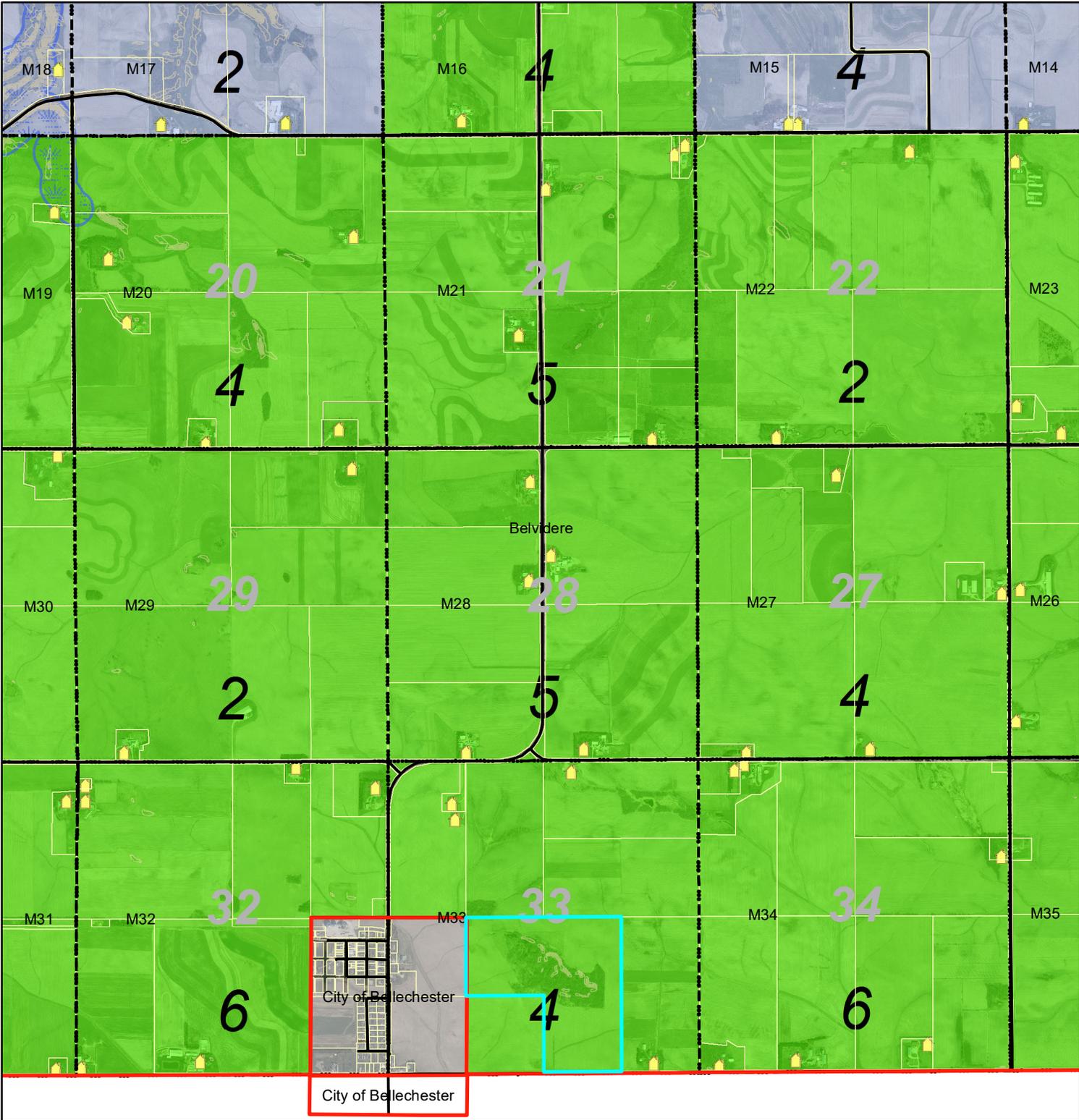
16

1st St

County



PUBLIC HEARING: Michael Huneke - Variance request from the A1 Agricultural District, General District Regulations, Density Requirement, which limits each Section to 4 dwellings (currently there are 4 dwellings); to build a residence at 26.033.0500 the W 1/2 of the SE 1/4 and the NE 1/4 of the SW 1/4 of section 33 in Belvidere Township.

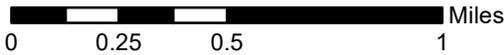


Legend

- Municipal Boundaries
- Road
- Section Line
- Tax Parcel
- Dwelling Point
- Shoreland

Zoning

- Description**
- A1 - Agricultural Protection
 - A2 - Agricultural
 - A3 - Urban Fringe
 - B1 - General Business
 - B2 - Highway Business
 - CR - Commercial Recreation
 - I - Industry
 - MXH - Mixed Use
 - R1 - Suburban Residential
 - REC - Cannon River Recreational
 - SCN - Cannon River Scenic
 - Within City Limits



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